

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEKSANDR ZAGORODNYY,

Plaintiff,

v.

Civil Case No. 22-cv-11720
Honorable Linda V. Parker
Magistrate Judge Anthony P. Patti

HATATU ELUM, et al.,

Defendant.

/

**OPINION AND ORDER (1) ADOPTING REPORT AND
RECOMMENDATION (ECF No. 20), (2) DISMISSING THIS CASE FOR
FAILURE TO PROSECUTE, AND (3) DENYING DEFENDANTS'
MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AS MOOT
(ECF No. 17)**

Plaintiff commenced this lawsuit against Defendants on July 26, 2022. (ECF No. 1.) On April 5, 2024, Defendants filed a motion to dismiss and for summary judgment on the basis of exhaustion. (ECF No. 17.) The matter has been assigned to Magistrate Judge Anthony P. Patti for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On August 18, 2024, Judge Patti ordered Plaintiff to respond to Defendants' motion to dismiss by September 9, 2024. (ECF No. 18.) No response was filed by this deadline. On October 11, 2024, Judge Patti issued an order directing Plaintiff

to show cause why the case should not be dismissed for failure to prosecute by November 1, 2024. (ECF No. 19.) In the show cause order, Plaintiff was warned that failure to respond would result in a report and recommendation (“R&R”) recommending dismissal. No response to the show cause order was filed. The last filing in this case by Plaintiff was a notice of change of address filed on October 4, 2022. (ECF No. 7.)

On November 12, 2024, Judge Patti issued an R&R recommending that the Court dismiss this action under Federal Rule of Civil Procedure 41(b) for failure to prosecute and deny the pending motion for summary judgment as moot. At the conclusion of his R&R, Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R. The Court has carefully reviewed the R&R and concurs with the conclusions reached by Judge Patti. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that this case is **DISMISSED** for failure to prosecute;

IT IS FURTHER ORDERED that Defendants’ motion to dismiss and for

summary judgment (ECF No. 17) is **DENIED AS MOOT.**

s/ Linda V. Parker

LINDA V. PARKER

U.S. DISTRICT JUDGE

Dated: January 29, 2025